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## EX PARTE PRESENTATION

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Ex Parte Presentation in WT Docket No. 12-70, *Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands*; ET Docket No. 10-142, *Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 MHz*; and WT Docket No. 04-356, *Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network Corporation ("DISH") submits this letter in response to the *ex parte* letter filed by Sprint on October 10, 2012, as clarified and corrected by its subsequent October 11, 2012 letter,<sup>1</sup> in which Sprint calls for unprecedented and unwarranted technical restrictions on mobile broadband in the AWS-4 band in direct contradiction to prior submissions to the Commission in this and related proceedings.

For the first time, Sprint is publicly endorsing an out-of-band-emissions (OOBE) limitation of  $70+10 \log^*(P)$  dB (-40 dBm/MHz) for AWS-4 operations at the 2000 MHz band edge, purportedly to protect PCS operations in the G Block.<sup>2</sup> This level of protection is unprecedented in terrestrial mobile broadband services, and is unnecessary as a technical matter given that the

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<sup>1</sup> Letter from Lawrence Krevor and Rafi Martina, Sprint Nextel Corporation, to Marlene H. Dortch, Secretary, FCC, WT Dkt. Nos. 12-70, 04-356, ET Dkt. No. 10-142 (Oct. 10, 2012), *as clarified and revised by* Letter from Lawrence Krevor and Rafi Martina, Sprint Nextel Corporation, to Marlene H. Dortch, Secretary, FCC, WT Dkt. Nos. 12-70, 04-356, ET Dkt. No. 10-142 (Oct. 11, 2012) (together, the "Sprint Letter").

<sup>2</sup> *Id.* at 2 (stating that "a Commission-mandated AWS-4 OOBE requirement of  $70+10\log(P)$  at the 2000 MHz H Block band edge, coupled with the existing limits in 3GPP standard TS 36.101 for frequencies below 1990 MHz, would not diminish existing interference protection for PCS G Block user equipment from AWS-4 user equipment.")

2000 MHz edge of DISH's S-Band license is 5 MHz away from the upper edge of the G Block at 1995 MHz.

Not only are Sprint's proposed new OOB limits unjustified as a technical matter, but Sprint contradicts its own prior statements about what emissions limits are needed to protect its G Block PCS operations. Sprint stated as follows in November 2011:

Based on Sprint's understanding of . . . DISH's planned operations as described in the applications, and assuming . . . DISH will fully comply with all applicable Commission rules and policies, and final and pending specifications set forth by the 3rd Generation Partnership Project, and further assuming that the Applicants will seek no change to the applicable power limits for 2000-2020 MHz, or out-of-band emission limits applicable to operations at 2000-2020 MHz, Sprint has concluded that the protections set forth in the applicable Commission rules and policies, and in the final and pending specifications set forth by the 3rd Generation Partnership Project, in addition to DISH's and Sprint's mutual willingness to engage in good faith coordination, **are sufficient to address harmful interference from MSS/Ancillary Terrestrial Component Services operations in the 2000-2020 MHz band into current or planned Personal Communications Services ("PCS") operations in the G Block and other PCS bands**[.]<sup>3</sup>

The current regulatory requirement and 3GPP standard for emissions limits from operations in the S-Band into the PCS G Block is  $43+10*\log(P)$  dB (i.e., -13 dBm/MHz) at 2000 MHz, which is the same as it was when Sprint made the above statement.<sup>4</sup> For Sprint to now say that  $70+10*\log(P)$  dB (-40 dBm/MHz) at 2000 MHz "appeared promising" and "would not diminish existing interference protection for PCS G Block user equipment from AWS-4 user equipment" directly contradicts its prior statement that the current rules are sufficient to protect G Block. These statements imply that in Sprint's view, the  $70+10*\log(P)$  dB (-40 dBm/MHz) level may or may not be enough, and any limit that is less stringent (such as  $43+10*\log(P)$  dB / -13 dBm/MHz) is insufficient. This is directly contrary to Sprint's prior statements.

Sprint disingenuously attempts to avoid contradicting itself by characterizing the discussion of more stringent emissions limit as an "informal question" from Commission staff.<sup>5</sup> Sprint's response to this "informal question," however, should have been to make clear that a new, more stringent protection level is unnecessary and excessive given that Sprint has already confirmed in a prior Commission filing that  $43+10*\log(P)$  dB (i.e., -13 dBm/MHz) at 2000 MHz is sufficient to protect G Block.

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<sup>3</sup> See Letter from Marc S. Martin, Counsel for Sprint Nextel Corporation to Marlene H. Dortch, Secretary, FCC, IB Dkt. Nos. 11-149, 11-150, at 1-2 (filed Nov. 17, 2011) (emphasis added).

<sup>4</sup> See 47 C.F.R. § 25.252(c)(2) ("Emissions in the bands 1995–2000 MHz and 2020–2025 MHz shall be attenuated by at least a value as determined by linear interpolation from  $70 + 10 \log P$  at 1995 MHz or 2025 MHz, to  $43 + 10 \log P$  dB at the nearest MSS band edge at 2000 MHz or 2020 MHz respectively.").

<sup>5</sup> See Sprint Letter at 1-2.

In light of the above, Sprint's sudden endorsement of unjustifiably stringent power limits from AWS-4 operations is clearly designed not to protect G Block, but rather to predetermine rules governing the not-yet auctioned H Block. As DISH has already stated, it would be premature and legally inappropriate to define technical rules for the H Block in the present proceeding given the technical challenges, the lack of a record before the Commission, and the many different potential uses for H Block that would have differing technical requirements.<sup>6</sup> Moreover, as DISH has previously explained, imposing a requirement of  $70+10*\log(P)$  dB (-40 dBm/MHz) at 2000 MHz would, among other things, eliminate, at least, 25 percent of DISH's uplink, thus rendering that spectrum unusable for mobile broadband.<sup>7</sup>

DISH urges the Commission to reject Sprint's attempts to upset long-standing emissions limits designed to protect the G Block, which Sprint itself previously endorsed as sufficient, and to move expeditiously to adopt final AWS-4 rules based on the existing band plan and interference protections consistent with existing 2 GHz requirements and 3GPP agreements.

Respectfully submitted,

/s/ Jeffrey H. Blum

Jeffrey H. Blum

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<sup>6</sup> See Letter from Jeffrey H. Blum, DISH Network Corporation, to Marlene H. Dortch, Secretary, FCC, WT Dkt. Nos. 12-70, 04-356, ET Dkt. No. 10-142, at 2-3 (Oct. 10, 2012).

<sup>7</sup> *Id.*